Exhibit 5

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through its Co-Directors Natasha Soto and Shaketa Redden and on behalf of its members; DORETHEA FRANKLIN; TANIQUA SIMMONS; DE'JON HALL; JOSEPH BONDS; CHARLES PALMER; SHIRLEY SARMIENTO; EBONY YELDON; and JANE DOE, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

v.

Civil No.: 1:18-cv-00719-CCR

CITY OF BUFFALO, NY; BYRON B. BROWN, Mayor of the City of Buffalo, in his individual and official capacities; BYRON C. LOCKWOOD, Commissioner of the Buffalo Police Department, in his individual and official capacities; DANIEL DERENDA, former Commissioner of the Buffalo Police Department, in his individual capacity; AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI, ROBBIN THOMAS, UNKNOWN SUPERVISORY PERSONNEL 1-10, UNKNOWN OFFICERS 1-20, each officers of the Buffalo Police Department, in their individual capacities.

Defendants.

DECLARATION OF ALPHONSO WRIGHT

Alphonso Wright, under penalty of perjury and pursuant to 28 U.S.C. Section 1746, declares the following to be true and correct:

1. I am the acting Commissioner of the Buffalo Police Department (the

"BPD").

- I succeeded former Commissioner Joseph Gramaglia and was appointed 2. acting BPD Commissioner by acting Mayor Christopher Scanlon on January 13, 2025. As such, I am authorized to make this Declaration on behalf of myself and the BPD.
- 3. Under former Commissioners Daniel Derenda and Byron Lockwood, the BPD conducted vehicle and traffic safety Checkpoints. Approximately one month into Commissioner Lockwood taking the position, he put an end to regular or daily vehicle and traffic safety Checkpoints in the City of Buffalo.
- 4. After former Commissioner Lockwood retired, former Commissioner Gramaglia succeeded him.
- The BPD did not conduct vehicle and traffic safety Checkpoints during 5. Commissioner Gramaglia's term.
- Under my tenure as BPD Commissioner, the BPD will not conduct vehicle 6. and traffic safety Checkpoints as they were conducted while the units known as the Housing Unit and Strike Force existed.
- 7. The only checkpoints BPD will potentially conduct while I am Commissioner are DWI checkpoints in areas where there is or is likely to be a high frequency of drunk driving.

¹ The vehicle and traffic safety Checkpoints at issue here differ from DWI Checkpoints. My lack of plans to reinstate the vehicle and safety Checkpoints does not apply to DWI Checkpoints, which I reserve the right to implement in areas where there is a high frequency or likely to be a high frequency of drunk driving.

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Dated:

Buffalo, New York

February

Alphonso Wright